

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FIRST NIAGARA RISK
MANAGEMENT, INC.

v.

JOHN A. FOLINO

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CIVIL ACTION

NO. 16-1779

ORDER

AND NOW, this 11th day of August, 2016, upon consideration of plaintiff First Niagara's motion to compel, defendant John A. Folino's motion to disqualify the e-discovery vendor Equip eDiscovery Solutions, Inc. from this matter, and Folino's motion for a protective order, and for the reasons stated in the accompanying Memorandum, it is hereby ORDERED that:

1. Plaintiff First Niagara's motion to compel (docket entry # 25) is

GRANTED;

2. Defendant John Folino shall immediately PERMIT Equip eDiscovery

Solutions, Inc. to search his personal computer devices and email accounts using the following search criteria:

- All emails, texts, and text chains containing one of the following search terms:
 - Tek86@comcast.net
 - robertjacomen@gmail.com
 - gpnassib@gmail.com
 - Ace08055@gmail.com
 - Jcgacg13@yahoo.com
 - todd@novellifinancil.com
 - paul@trustrti.com
 - john@trustrti.com
 - Trident
 - Radnor
 - Kolongowski or Tom!
 - Jacomen or Robert!
 - Gil! Or Nassib!

- Adrian! Or Miles
 - April! Or Giumento!
 - Dwyer!
 - Jim or James or Bell
 - FNRM or “First Niagara”
 - Cary or Cohrs
 - “American Cement”
 - Lehigh
 - castle
 - The names of 78 clients, and variations of those names, in Folino’s book of business with First Niagara
 - RTI
 - Weitzel or Rae
- Date Range: January 1, 2014 to April 27, 2016
 - The production of all text messages and text message strings that contain one or more of the above-referenced terms

3. First Niagara’s request for fees and costs associated with the motion to compel is DENIED;

4. Defendant Folino’s motion to disqualify Equip eDiscovery Solutions, Inc. is DENIED; and

5. Defendant Folino’s motion for a protective order (docket entry # 30) is DENIED.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.